

IPW

7436-102/10315994



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT D. FOSTER

) Group Art Unit: 3763

Serial No. 10/734,729

) Examiner:

Filed: December 12, 2003

For: DIFFUSION BALLOON AORTIC  
CANNULA

TRANSMITTAL OF POWER OF ATTORNEY

Hon. Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

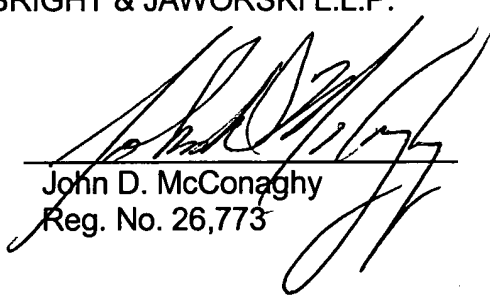
Applicants herewith forward the enclosed Power of Attorney for the above-identified matter.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

September 29, 2004

By:

  
John D. McConaghy  
Reg. No. 26,773

29<sup>th</sup> Floor  
865 South Figueroa Street  
Los Angeles, CA 90017-2576  
(213) 892-9200



Patent  
7436-102

**POWER OF ATTORNEY  
By Assignee**

AVALON LABORATORIES INC., assignee(s) of the application for United States Letters Patent for an improvement in

DIFFUSION BALLOON AORTIC CANNULA  
by ROBERT D. FOSTER,

the specification of which:

- ☐ is filed herewith, OR  
☒ was filed on December 12, 2003, having U.S. Patent Application Serial No. 10/734,729,

does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 000167

Customer  
Number  
**000167**

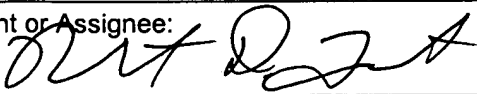
FULBRIGHT & JAWORSKI L.L.P.  
Twenty Ninth Floor  
865 South Figueroa Street  
Los Angeles, CA 90017-2576  
(213) 892-9200

Please send all correspondence to the attention of John D. McConaghy, at the above Customer Number, and direct all telephone calls to **(213) 892-9200**.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- ☒ is filed for recordation herewith; or  
☐ was recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_; or  
☐ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

Full Name of Assignee: AVALON LABORATORIES INC.	
Post Office Address: 301 Michigan Street, N.E., 5 <sup>th</sup> Floor, Grand Rapids, Michigan 49503	
Signature of Declarant or Assignee: 	Date: 9-28-04
Full Name of Declarant If Other Than Assignee: Robert D. Foster	
Title of Declarant: CEO	
Address of Declarant: 2610 East Homestead Place, Rancho Dominguez, CA 90220	

## ASSIGNMENT

WHEREAS, I, ROBERT D. FOSTER, a citizen of the United States, residing at 6100 Via Subida, Rancho Palos Verdes, California 90275, have invented a new and useful DIFFUSION BALLOON AORTIC CANNULA for which application papers for United States Letters Patent thereon were filed on December 12, 2003, having Serial Number 10/734,729:

WHEREAS, AVALON LABORATORIES INC., a California corporation, having a place of business at 301 Michigan Street, N.E., 5<sup>th</sup> Floor, Grand Rapids, Michigan 49503, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and all countries foreign thereto:

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, I, ROBERT D. FOSTER, do hereby sell, assign, transfer, and set over unto the said AVALON LABORATORIES INC., its successors and assigns, the full and exclusive right, title, and interest in and to the said invention, and in and to any and all Letters Patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but for, to and in all other countries including all priority rights under the International Convention; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said AVALON LABORATORIES INC., its successors and assigns, in accordance with this Assignment.

WITNESS my hand this 28 day of Sept, 2004.

  
\_\_\_\_\_  
ROBERT D. FOSTER

STATE OF CALIFORNIA       )  
   ) ss  
 COUNTY OF LOS ANGELES    )

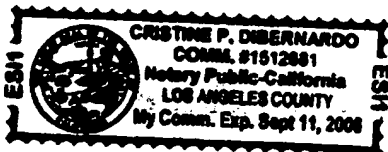
On September 28, 2004 before me, CRISTINE DIBERNARDO, personally  
 appeared ROBERT D. FOSTER,

☒ personally known to me

- OR -

— proved to me on the basis of satisfactory evidence to be the person  
 whose name is subscribed to the within instrument and  
 acknowledged to me that he executed the same in his authorized  
 capacity, and that by his signature on the instrument the person, or  
 the entity upon behalf of which the person acted, executed the  
 instrument.

WITNESS my hand and official seal.



Cristine P. DiBernardo  
 Signature of Notary Public in and  
 for said County and State